

MONTANA LEGISLATIVE HISTORY

Chapter 228 19 71

Bill H _____ S 270

Original bill & history ✓ c

H. Committee on Judiciary

Hearing Date(s) 2/22 ✓ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Public Health

Hearing Date(s) 2/4 ✓ c

2/5 ✓ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

Chap.	Senate Bill	House Bill	Title	Page
			1512, 69-1513, 69-1514, 69-1515, 69-1516, 69-1517, 69-1601, 69-1602, 69-1603, 69-1604, 69-1607, 69-1701, 69-1702, R.C.M., 1947, and repealing Sections 69-1518, 69-1605 and 69-1703, R.C.M., 1947, to clarify and update sections of the laws of Montana relating to boilers and engines.	897
226	194		An act amending Sections 53-106, 53-118, 53-120 and 53-122 relating to motor vehicle number plates, motor vehicle dealer's license, replacing motor vehicle number plates, and registration fees of motor vehicles.	914
227	234		An act to amend Section 72-118, R.C.M., 1947, relating to power of the board of railroad commissioners to change, alter or amend classifications, rates and rules for transportation by railroad; providing methods for changing such classifications, rates and rules and for investigation by the board of railroad commissioners; repealing all acts or parts of acts in conflict herewith and providing that the act shall be effective on passage and approval.	923
228	270		An act amending Section 54-133, R.C.M., 1947, to change the penalty for possession of marihuana.	926
229	296		An act to amend Section 11-1001, R.C.M., 1947, relating to authorization of cities and towns to furnish sewage services in addition to water to industries and to persons without city limits; rates; penalty for violations.	927
230	302		An act creating a division of communications in the department of administration; providing for the appointment of an administrator for the division; providing for the powers and duties of the division; providing for the implementation of this act; providing that this act shall not affect the rights and privileges of employees transferred to the division.	928
231	305		An act amending Section 75-8601 of the higher education laws recodification of the Forty-second session, Laws of Montana. To propose the stimulation of enrollment in mineral engineering; to provide for the waiving of non-resident tuition in excess of two percent of unit enrollment for out-of-state students who enroll in mineral engineering curricula at Montana College of Mineral Science and Technology under reciprocal agreement among mineral engineering colleges of eight WICHE states for the urgent development of undergraduate programs in mineral engineering.	931
232	322		An act to create a capitol building and planning committee, establishing functions and guidelines under the general supervision of this legislative council; and providing an immediate effective date.	931
233	9		An act amending Sections 47-202, 47-204, 47-205, 47-211, 47-214, 47-215 and 47-216, R.C.M. 1947, being sections of the Montana consumer loan act, providing for a supplementary license permitting additional lending authority involving loans in excess of one thousand dollars (\$1,000) but not exceeding two thousand five hundred dollars (\$2,500), fixing the charges for and other provisions concerning such loans in excess of one thousand dollars (\$1,000) and relating to insurance which may be provided and increasing examination charges of the commissioner.	933
234	15		An act relating to the maximum rate of interest on bonds issued and special assessments levied and other evidence of indebtedness by political subdivisions and providing an effective date, and amending Sections 11-2404, 11-2404, 16-2011, 75-7107, 75-7115, 75-7116, 75-7119, 75-7121, 11-2315, 16-2032, 11-982, 11-1307, 11-2218, 11-2214.2, 11-2226, 11-2227, 11-2231, 11-2249, 11-2277, 11-3717, 11-3910, 16-1620, 16-2002, 16-2046, 16-2604, 16-4517, 32-3121, 32-3123, 32-3502, 32-3805, 81-1003, 89-1701, 89-1705, 89-1801, 89-2348, 89-2501, 35-115, 47-124, 89-2502 and 89-3426, R.C.M. 1947.	939
235	29		An act to amend Section 84-1502, R.C.M. 1947, providing deductions in computing income of corporations; and providing an effective date.	977
236	30		An act amending Section 84-4905, R.C.M. 1947, exempting from state income tax the interest received on obligations of the state of Montana or of any political subdivision thereof, and providing an effective date.	979

FINAL STATUS OF SENATE BILLS

S.B. No.	Author	Short Title	Last History
269.	McKeon	Issuance and sale of bonds for the purpose of acquiring a site for and erecting and equipping a State Highway Commission headquarters building and complex.	Killed in Senate on 2nd Reading, 2/8/71.
270.	McKeon, et al.	To make possession of dangerous drugs a misdemeanor.	Signed by Governor, 3/9/71. Effective 3/9/71. Chapter 228.
271.	McKeon	An act adopting the Uniform Controlled Substances Act.	Killed in Senate Public Health Comm. 2/6/71.
272.	Manning	To permit the increase of the appropriation for county fairs.	Signed by Governor, 3/1/71. Effective 7/1/71. Chapter 154.
273.	Mitchell, Drake	Relating to camp duty for the organized militia of Montana and to provide that the annual camp will be performed in Montana, except under special circumstances.	Killed in House on 2nd Reading, 2/24/71.
274.	Select Committee of Senate on Executive Reorganization	To reorganize the executive department of the Montana state government.	Signed by Governor, 3/10/71. Chapter 1 and 21 of Section 1 and Section 4 and 5, effective 3/10/71. Chapter 2 through 20 of Section 1 effective upon Executive Order or upon 12/31/71. Section 2 effective simultaneously with Chapter 4 of Section 1. Section 3 effective simultaneously with Chapter 2 of Section 1. Chapter 272.
275.	Gilfeather, et al.	Relating to the county share of participation in public welfare and relief.	Killed in Senate Local Government Comm. 2/9/71.
276.	Sheehy	To secure citizens a right to protect the natural resources of the state.	Killed in Senate on 3rd Reading, 2/12/71.
277.	Hafferman, Lynch	Hours for sale of liquor.	Killed in Senate on 2nd Reading, 2/5/71.
278.	Hafferman, Lynch	'Closing hours for licensed retail beer establishments'.	Killed in Senate on 2nd Reading, 2/5/71.
279.	Dzivi, McOmber	To move Teton County to the Second Congressional District.	Signed by Governor, 3/3/71. Effective 7/1/71. Chapter 187.

S.B.#270 p.1 jm

APPROVED BY COMMITTEE
ON PUBLIC HEALTH,
WELFARE AND SAFETY

Feb. 9, 1971

SENATE BILL NO. 270

INTRODUCED BY McKeon, Lyon, Moore, Broeder

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
54-133, R.C.M., 1947, TO CHANGE THE PENALTY FOR POSSESSION
OF MARIHUANA."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE
OF MONTANA:

Section 1. Section 54-133, R.C.M., 1947, is amended
to read as follows:

"54-133. Criminal possession of dangerous drugs.

(a) A person commits the offense of criminal possession
of dangerous drugs if he possesses any dangerous drug as
defined in this act and does not come within the exceptions
of section 3 [54-131].

(b) A person convicted of criminal possession of
dangerous drugs, other than criminal possession of marihuana
as hereinafter provided, shall be imprisoned by impris-
onment in the state prison not to exceed five (5) years.
Any person of the age of 21 years or under convicted of a
first violation under this sub-section shall be presumed
to be entitled to a deferred imposition of sentence.

(c) A person convicted of criminal possession of
marihuana is punishable by imprisonment in the state
prison not to exceed three (3) years or in the county
jail not to exceed one (1) year."

SENATE BILL NO. 270

INTRODUCED BY

Walter L. Ligon
Thore
Bunker

54-133

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
54-133, R.C.M., 1947, TO MAKE POSSESSION OF DANGEROUS
DRUGS A MISDEMEANOR."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE
OF MONTANA:

Section 1. Section 54-133, R.C.M., 1947, is amended
to read as follows:

"54-133. Criminal possession of dangerous drugs.

(a) A person commits the offense of criminal possession
of dangerous drugs if he possesses any dangerous drug as
defined in this act and does not come within the exceptions
of section 54-131.

(b) A person convicted of criminal possession of
dangerous drugs shall be ~~imprisoned-by-imprisonment-in-the~~
~~state-prison-not-to-exceed-five-(5)-years.~~ Any person of
~~the-age-of-21-years-or-under-convicted-of-a-first-violation~~
~~under-this-section-shall-be-presumed-to-be-entitled-to-a~~
~~deferred-imposition-of-sentence.~~ guilty of a misdemeanor."

INTRODUCED BILL

SB#270 p.1 mk

APPROVED
COMMITTEE OF THE WHOLE

SENATE BILL NO. 270

Feb. 11, 1971

INTRODUCED BY McKeon, Lyon, Moore, Broeder

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
54-133, R.C.M., 1947, TO CHANGE THE PENALTY FOR POSSESSION
OF MARIHUANA."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE
OF MONTANA:

Section 1. Section 54-133, R.C.M., 1947, is amended
to read as follows:

"54-133. Criminal possession of dangerous drugs.

(a) A person commits the offense of criminal possession
of dangerous drugs if he possesses any dangerous drug as
defined in this act and does not come within the ex-
ceptions of section 3 [54-131].

(b) A person convicted of criminal possession of
dangerous drugs, other than criminal possession of
marihuana as hereinafter provided, shall be imprisoned
by imprisonment in the state prison not to exceed five
(5) years. Any person of the age of 21 years or under
convicted of a first violation under this sub-section
shall be presumed to be entitled to a deferred im-
position of sentence.

(c) A person convicted of criminal possession of
marihuana is punishable by imprisonment in the state
prison not to exceed three (3) years or in the county
jail not to exceed one (1) year. Any person of the age of
21 years or under convicted of a first violation of this
sub-section, who receives a sentence to the state prison,

1 shall be presumed to be entitled to a deferred imposition
2 of sentence."
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

2-23-71

HOUSE COMMITTEE OF THE WHOLE - AMENDMENTS TO SENATE BILL NO. 270

Amend Section 1 (c) of the House Committee on Judiciary amendments, by striking in its entirety the last sentence; thereof, beginning with the word "Any" and ending with the word "sentence"

2-22-71

HOUSE COMMITTEE ON JUDICIARY - AMENDMENTS TO SENATE BILL NO. 270

Be amended on page 1, Section 1, subsection (c), lines 24 through 27 of the bill approved by committee on public health, welfare and safety by striking all of subsection (c) in its entirety and inserting in lieu thereof the material "(c)A person convicted of criminal possession of marihuana shall be guilty of a misdemeanor. Any person convicted of a first violation of this subsection shall be presumed to be entitled to a deferred imposition of sentence."

SENATE COMMITTEE ON
PUBLIC HEALTH

NAME	DATE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
	1-8 AM	1-11 AM	1-15 AM	1-19 P.M.	1-21 P.M.	1-22 P.M.	1-23 P.M.	1-24 P.M.	1-25 P.M.	1-26 P.M.	1-27 P.M.	1-28 P.M.	1-29 P.M.	1-30 P.M.	1-31 P.M.	2-1 P.M.	2-2 P.M.	2-3 P.M.	2-4 P.M.	2-5 P.M.	2-6 P.M.	2-7 P.M.	2-8 P.M.	2-9 P.M.	2-10 P.M.	2-11 P.M.	2-12 P.M.	2-13 P.M.	2-14 P.M.	2-15 P.M.	2-16 P.M.	2-17 P.M.	2-18 P.M.	2-19 P.M.	2-20 P.M.	2-21 P.M.	2-22 P.M.	2-23 P.M.	2-24 P.M.	2-25 P.M.	2-26 P.M.	2-27 P.M.	2-28 P.M.	2-29 P.M.	2-30 P.M.	2-31 P.M.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
FLYNN, CHAIRMAN	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

BILL NO.	ENTERED COMM.	OUT OF COMM.	1971 COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY					BE NOT CONCURRED IN
			DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CON- CURRED IN	BE CONCURRED IN AS AMENDED	
SB 122	1-16-71	1-30-71		X				
SB 125	1-16-71	2-9-71	X					
SB 126	1-16-71	2-9-71			X			
SB 149	1-19-71	2-1-71		X				
SB 158	1-19-71	2-5-71		X				
SB 170	1-20-71	2-3-71			X			
SB 172	1-20-71	2-2-71		X				
SB 191	1-20-71	2-4-71			X			
SB 201	1-21-71	1-30-71	X					
SB 202	1-21-71	2-2-71	X					
SB 203	1-21-71	2-5-71			X			
SB 230	1-21-71	1-25-71 (To Fish & Game)						
SB 231	1-21-71	2-3-71	X					
SB 258	1-21-71	2-5-71	X					
SB 260	1-21-71	2-1-71		X				
SB 270	1-21-71	2-9-71			X			
SB 271	1-21-71	2-5-71		X				
SB 277	1-21-71	1-26-71 (To Const., Elect. & Fed. Relations)						
SB 278	1-21-71	1-26-71 (To Const., Elect. & Fed. Relations)						
SB 290	1-21-71	2-9-71	X					
SB 292	1-21-71	2-5-71	Min. Major. X	X				
SB 304	1-21-71	1-30-71	X					
SB 306	1-21-71	2-9-71	X					

February 4, 1971
10:00 A.M.

Meeting called to order by the Chairman; roll call taken and a quorum being present, the meeting proceeded.

SB #191. Senator William Mathers, chief sponsor, spoke briefly supporting the legislation, then introduced Mr. Chadwick Smith, Helena attorney. He stated this is an extremely important bill; the hospitals and doctors are greatly concerned about the malpractice insurance premiums. The bill primarily repeals the two sections commonly referred to as "The Thompson Act." There is constant danger that someone might be performing services in hospitals who are not competent; that there is a shortage of physicians and we certainly want them where they are needed. He asked for consideration and support of SB 191. He submitted two amendments.

Mr. William Leary, Executive Secretary of the Montana Hospital Association, was the next proponent, stating that doctors and hospitals are working together to establish the rules and support the adoption of this legislation as amended.

John W. McMahon, M.D., Helena, spoke in support of the bill. He appeared as a representative of the Montana Medical Association.

Mr. Gerald Leavitt, Administrator of St. Peter's Hospital, Helena, also supported the legislation.

Frank J. Kelly, Orthopedic Surgeon, Bozeman, stated that he was a proponent of certain needs and protection of certain physicians. He stated we need to set up rules for each hospital, and that he has the support of other physicians in the community.

Mr. Robert Holter, attorney of Bozeman, supported Dr. Kelly's statements, and went on to say that the problem of wrongfully brought malpractice actions has largely been limited.

A question and answer period followed and the witnesses were then excused.

SB #270 and SB #271. Sen. McKeon, sponsor, spoke briefly regarding SB 270, explaining that it changes the penalty for possession of dangerous drugs from a misdemeanor instead of a felony as now in the codes.

Sen. McKeon stated that SB 271 involves Federal legislation and this would bring Montana into line with the Federal procedures.

Mr. Roy E. Kinsey, Jr., Attorney-Advisor, Bureau of Narcotics and Dangerous Drugs, U.S. Dept. of Justice, appeared as a proponent of the #271.

Mr. Rod Gudgeon, Executive Secretary of the Montana State Pharmaceutical Association, read from a prepared statement, copy of which is attached as Exhibit "A".

February 4, 1971
Page #2

Mr. Robert J. Campbell, representing the Montana State Pharmaceutical Association, presented the next statement supporting the legislation, copy of which is attached as Exhibit "B".

Mr. Raymond J. Hommedieu, as an independent speaker, supported #271.

Mr. Alfred F. Dougherty, Helena Attorney, representing the Proprietary Association of Washington, D.C., read a prepared statement in which an amendment was proposed. Copy of his statement is attached as Exhibit "C".

Tom Dowling, County Attorney, Lewis and Clark County, spoke on behalf of the Montana County Attorneys Association, on SB 270. He said they should use their own judgment and should be given some latitude.

Sen. Dzivi then appeared, speaking on SB 270. He stated this legislation was passed in 1969 and was known as the "Dangerous Drug Act."

Witnesses appearing in support of and against SB 270 and 271 were then excused.

SB # 342. Sen. McKeon appeared briefly and said he would not oppose killing his bill and passing HB #106.

Mr. David Penwell, General Counsel for Big Sky in Bozeman, spoke at length in support of HB #106, and asked for a favorable report.

Mr. David L. Jackson, Counsel with the Montana Liquor Control Board, stated that it is necessary that we have more latitude to have additional licenses for resorts and asked for favorable consideration.

Mr. Bob Durkee, representing the Montana Tavern Association, opposed the passage of HB #106, although, he stated, they are not a dedicated opponent. It gives a great deal of authority to the Liquor Control Board, and he felt a definition of "resort" should be written into the statute. This would be loosening up the controlling system we have.

A question and answer period followed and Mr. Penwell stated they would not oppose any amendment defining "resort". Rep. Scott, chief sponsor of HB #106, appeared briefly, and offered his apologies for being late.

The witnesses were excused and the committee discussed the various matters before them.

February 4, 1971
Page #3

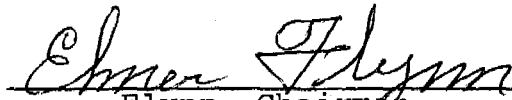
SB #270 and 271. Further action to be deferred until more information can be obtained.

SB #191. Motion by Hibbard, seconded by Cochrane, that SB #191 DO PASS AS AMENDED. Motion carried.

HB #106. Motion by Hibbard, seconded by Cochrane, that HB #106 DO PASS. Motion carried.

SB #342. No action at this time.

There being no further business, the meeting adjourned.


Flynn, Chairman

February 5, 1971
Page #2

SB #258. Motion by Stephens, seconded by Bollinger, that SB #258
DO PASS. Motion carried.

SB #156. Motion by Deschamps, seconded by Hibbard that this bill
DO PASS AS AMENDED. Motion carried.

SB #114. Motion by Bollinger, seconded by Deschamps, that this bill
DO PASS AMENDED. Motion carried and Bollinger and Bennett were ap-
pointed as a sub-committee to draft the amendments.

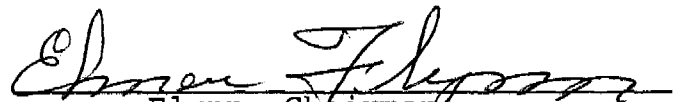
SB #158. Motion by Vainio, seconded by Cochrane that this bill
DO NOT PASS. Motion carried.

SB #292. Motion by Bennett, seconded by Cochrane that this bill
DO NOT PASS. Majority report signed by Bennett, Cochrane, Deschamps,
Hibbard, Stephens and Vainio. Minority report signed by Bollinger
and Flynn.

SB #270. Motion by Bollinger, seconded by Cochrane, that SB #270
DO PASS AS AMENDED. Motion carried.

SB #271. Motion by Deschamps, seconded by Bollinger, that this bill
DO NOT PASS. Motion carried.

There being no further business, the meeting was adjourned.


Flynn, Chairman

JUDICIARY

COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB 320 Conf No. —	Provides 60 days notice from insurer to named insured of intention not to renew policy, etc.	2/12/71	2/22/71		2/22/71	BE NOT CONCURRED IN	KILLED
SB 332 Bills No. —	Provides that within 90 days after forfeiture of bail if defendant appears, bail must be discharged	2/12/71	2/22/71		2/22/71	BE NOT CONCURRED IN	KILLED
SB 40 Bills No. —	Reduces amount of alcohol necessary to presume person under influence of intoxicating liquor	2/13/71	2/17/71		2/18/71	BE CONCURRED IN	SIGNED BY GOVERNOR
SB 211	Establishes statute of limitation for amending inheritance tax reports	2/13/71	2/22/71		2/22/71	BE NOT CONCURRED IN	KILLED
SB 270	Act to change the penalty for possession of marihuana	2/13/71	2/22/71		2/22/71	BE CONCURRED IN	

February 22, 1971

JUDICIARY COMMITTEE

The meeting was called to order in room 300 of the capitol on Monday, February 22 at 9 a.m. with Chairman Jeffrey J. Scott presiding. All members were present.

SENATE BILL 320 Senator James R. Shea, District 23, gave an explanation of this bill, which provides sixty days' notice in writing from an insurer to the named insured of the intention of the insurer not to renew a policy, providing for a statement by the insurer of the reasons for not renewing such policy and providing for hearings by the insurance commissioner when policies may not be cancelled. Mr. Chadwick Smith, representing the American Mutal Insurance Alliance, offered testimony in opposition to this bill. Mr. Peter Pauley, representing the American Reciprocal Insurance Association, appeared in opposition also. There were no further witnesses, and the hearing on this bill was closed.

SENATE BILL 92 This bill establishes that the use of certain whole blood, etc., for the purpose of injecting or transfusing any of them into the human body is a service and not a sale; provides that blood banks shall not be liable for such products disbursed by them in the absence of negligence and requiring the labeling by such blood banks of such products sold. Dr. Ed Segard, representing the Montana Hospital Association, Billings, gave an explanation of blood transfusions. Dr. S. A. Olson, representative from Dawson County, appeared in support of this bill. Mr. Jerry Loendorf, representing the Montana Medical Association, appeared in support of this bill. Mr. Chadwick Smith, appearing in behalf of the Hospital Association, gave a statement in support of this bill. Questions were asked and the witnesses were excused.

SENATE BILL 210, 211 Mr. Dean Reed from the legislative auditor's office appeared on this bill at the request of Senator Mathers. Senate Bill 210 provides for procedure to secrue refund of inheritance tax and Senate Bill 211 establishes a statute of limitation for amending inheritance tax reports except in cases of changes by internal revenue service. Mr. Tom Stoll appeared in support of these bills and to answer any questions the committee might have. Questions were asked and the hearing on this bill was closed.

SENATE BILL 24 There were no witnesses present.
The hearing on this bill was postponed for the day.

SENATE BILL 270 Mr. Rick Applegate appeared at the request of Senator McKeon and explained this bill, which would change the penalty for possession of marihuana. Representative Cecil Weeding submitted amendments that he felt should be considered in connection with this bill.

Mr. Robert J. Campbell appeared in support of this bill. Mr. Robert L. Deschamps, III, county attorney for Missoula county, gave a statement in support of this bill. Representative Dorothy Bradley gave a statement in support. Questions were asked and the hearing on this bill was closed.

SENATE BILL 332 Senator Lynch gave a description of this bill, which provides that within 90 days after forfeiture of bail if the defendant appears, the bail must be discharged. Mr. George Anderson, former municipal judge for 6 years, and being in the bail bond business for 8 years, appeared in support of this bill. No questions were asked. No further witnesses were present and the hearing on this bill was closed.

EXECUTIVE SESSION

SENATE BILL 101 Mr. Towe introduced some amendments suggested by Mr. Dowling. Mr. Towe moved that Senate Bill 101 be concurred in. A vote was taken and four were for, six against. A motion was made that the bill BE NOT CONCURRED IN. Motion carried.

SENATE BILL 286 Mr. Mather moved that Senate Bill 286 BE CONCURRED IN. Motion carried.
Mr. Mather will carry this bill in the House.

SENATE BILL 270 Mr. Parrish moved that on page 1, section (c), lines 24 through 27 be amended by striking all this material and inserting the material "(c) A person convicted of criminal possession of marihuana shall be guilty of a misdemeanor. Any person convicted of a first violation of this subsection shall be presumed to be entitled to a deferred imposition of sentence." Motion carried. A motion was made that the bill be CONCURRED IN AS AMENDED. Motion carried. Mr. Greely will carry this bill in the House.

SENATE BILL 210 Mr. Towe moved that Senate Bill 210 be concurred in. Mr. Hall made a substitute motion that the bill BE NOT CONCURRED IN. Motion carried.

SENATE BILL 211 Mr. Hall moved that Senate Bill 211 BE NOT CONCURRED IN. Motion carried.

SENATE BILL 332 A motion was made that Senate Bill 332 be concurred in. Motion failed. A substitute motion was made that this bill BE NOT CONCURRED IN. Motion carried.

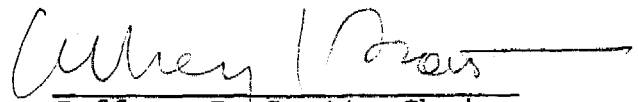
SENATE BILL 320 Mr. Mather moved that Senate Bill 320 be not concurred in. Mr. Towe made a substitute motion that this bill be concurred in. A vote

was taken, division called, five voted for the motion and six against. A vote was taken on the motion that the bill BE NOT CONCURRED IN. Motion carried.

SENATE BILL 92

Mr. Scott moved that this bill be not concurred in. Mr. Mather made a substitute motion that Senate Bill 92 be concurred in. Mr. Hall made a substitute motion that section 2 be amended by striking all of section 2 in its entirety and renumbering following section. A vote was taken to this motion, and motion failed. Mr. Towe moved that the bill be amended on page 2, line 3, section 2, after the word "liable" by inserting the material "in the absence of fault or negligence". Motion carried. Motion was made that Senate Bill 92 be concurred in as amended. A vote was taken, division called, six voted for the motion and five against. Motion carried.

A motion was made that the meeting be adjourned. Motion carried.


Jeffrey J. Scott, Chairman


Alice Omang, Secretary

NAME Rich Applegate BILL No. 270
ADDRESS Helena DATE 2-22-71
WHOM DO YOU REPRESENT? Sen. McKeon

SUPPORT? _____ OPPOSE? _____ AMEND? ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

and other

Sen. McKeon introduced this legislation into the Senate with the design to institute more realistic ~~penalties~~ penalties for the possession of marihuana. He is somewhat dismayed at the amendments attached to the bill by the Senate and is in full support of the amendments that will be offered before this committee by Rep. Weeding.

HOUSE JUDICIARY COMMITTEE

February 22, 1971

My name is Robert J. Campbell, attorney, practicing law at 501 Western Bank Building, Missoula, Montana. Because of my under-graduate degree in Pharmacy I have been particularly interested in drug law. I have worked with the pharmacy laws as a registered pharmacist and as an attorney I have worked with the old Uniform Drug Act which was in effect in Montana from 1937 to 1969, and the current Montana Dangerous Drug Act enacted in 1969. During this time I have worked with many young people, Judges, probation officers, and law enforcement officers and my experience has led me to the conclusion that the Montana Dangerous Drug Act as it applied to marijuana has not only failed to reduce its use, but has actually prevented the enforcement of the law due to the extremely severe penalties for its possession under Section 54-133 of the Montana Dangerous Drug Act.

In recent years the Federal government has recognized that the individual possessor of a drug is the victim of a much larger criminal element which should be, and now is, the focus for criminal prosecution. The new Federal Act going into effect May 1, 1971 has reduced the penalty for the simple possession of marijuana to a misdemeanor but has increased the penalties for the criminal sale of the drug. While the medical affects of the drug are uncertain at this time it is agreed among authorities in the field that the severe felony penalties which are now present in many state laws are too severe and unrealistic for the first offense of simple possession of marijuana.

it has been my experience that there is a great resistance among young people, parents, teachers, and some law enforcement officials to enforce the law since the person arrested is subjected to a possible felony conviction upon his record which would cause permanent career damage to the individual. The seriousness of a conviction is too often overlooked and I would like to review the permanent disabilities which accompany a felony conviction.

First of all an individual convicted of a felony can never work for the civil service whether it be with the state government or the Federal government. This automatically reduces an enormous number of employment and career opportunities from the persons future. The individual will never be able to take a position of trust where a surety bond is required. He will never be able to practice most of the 23 licensing occupations in the State of Montana because of his felony conviction. These occupations include all professions such as teachers, doctors, lawyers, dentists, pharmacists, and 18 others which now include the recently added occupation of an artificial inseminator. The individual loses his right to vote in all elctions and has no voice in public affairs. He cannot be a candidate for any public office nor can he serve on any jury. His record follows him the rest of his life and closes doors which he may want to enter later. In short, one foolish mistake in a young persons life could have a temporary physical affect but leave a future which is permanently destroyed.

Unlike the new Federal law, the Montana Dangerous Drug Act does not try to distinguish between the more dangerous drugs such as heroin, and subscribed more severe penalties to them then the less dangerous drug, marijuana. Under the new Federal law a severe penalty is imposed for the possession or sale of heroin while the possession of marijuana is reduced to a misdemeanor. Under the present Montana Dangerous Drug Act this

important distinction is not made. Under the present Montana law there is absolutely no legal incentive to discourage an individual from experimenting with more dangerous drugs since the penalties for the least dangerous are the same as that for

To correct this situation, I feel
Senate Bill 270 which would specifically provide for the simple possession of marijuana to be set as a misdemeanor would greatly improve the effectiveness of the act and the enforceability of the law which is now not only unenforceable but in many cases counter-productive in its attempt to reduce drug use within the State.

Because of the overly severe penalties contributed to marijuana, officers are reluctant to prosecute and juries are reluctant to convict. At one trial that I recently appeared in the Deputy County Attorney asked the panel of perspective jurors whether or not any of them would have difficulty convicting the defendant if they found from the evidence that she was guilty of possession of marijuana. Much to his and my amazement three jurors replied that they would and their reasons were: "I feel that the penalties are too severe and I could not send this girl to prison for five years"; "I have daughters her age and I could not convict her"; and "I was young once too and I did foolish things which I now regret but which fortunately did not ruin my life."

As recently stated by Assistant County Attorney for Cascade County, Arthur Matteucci, in an Associated Press release dated February 17, 1971, under the Montana Dangerous Drug Act marijuana use has increased but the number of prosecutions has decreased. I agree with the conclusion of Mr. Matteucci that prosecutions would increase if the penalty for possession was reduced to a misdemeanor which is a realistic penalty for the offense.

It should be noted that reducing the penalty to a misdemeanor would still allow the Court to have a one year probationary period during which time the probation officer would

work with the person and if further problems developed he could be immediately brought into Court and the proper course for him determined. If the person successfully completed his probationary period he would have the misdemeanor erased from his record and this provides the necessary incentive for the prevention of future problems.

I fully support the Senate Bill 270 as outlined above since the Montana Dangerous Drug Act during the passed two years in respect to the use of marijuana have been a dismal failure by being both ineffective and unforceable. Because of unrealistically severe penalties we have generated a reservoir of disrespect for the law which must be corrected. Enactment of this bill would be a necessary first step in realistically approaching what has been up to this time been insoluble problem.

Dated this 22nd day of February, 1971.


ROBERT J. CAMPBELL
Attorney at Law
501 Western Bank Building
Missoula, Montana 59801
543-3005

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act is effective after its passage and approval.

Approved March 9, 1971

CHAPTER NO. 228

An Act Amending Section 54-133, R.C.M., 1947, to Change the Penalty for Possession of Marihuana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 54-133, R.C.M., 1947, is amended to read as follows:

"54-133. Criminal possession of dangerous drugs.

Criminal possession of drugs defined.

(a) A person commits the offense of criminal possession of dangerous drugs if he possesses any dangerous drug as defined in this act and does not come within the exceptions of section 3 [54-131].

Penalty—drugs other than marihuana.

(b) A person convicted of criminal possession of dangerous drugs, *other than criminal possession of marihuana and its derivatives as hereinafter provided*, shall be imprisoned by imprisonment in the state prison not to exceed five (5) years. *Any person convicted of a criminal possession of marihuana or its derivatives in an amount, the aggregate weight of which does not exceed sixty (60) grams of marihuana, or one (1) gram of hashish, shall, for the first offense, be guilty of a misdemeanor and is punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or by both such fine and imprisonment. A person convicted of a second, or subsequent, offense under this subsection is punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year or in the state prison not to exceed three (3) years or by both such fine and imprisonment.*

Penalty—first offense—possession of marihuana.

Misdemeanor.

Person under 21—presumption.

(c) A person of the age of twenty-one (21) years or under, convicted of a first violation under this section

shall be presumed to be entitled to a deferred imposition of sentence. Jurisdiction under this section shall be exclusively in the district court."

Deferred imposition of sentence.

Section 2. This act shall be effective upon passage and approval.

Effective immediately.

Approved March 9, 1971

CHAPTER NO. 229

An Act to Amend Section 11-1001, R.C.M., 1947, Relating to Authorization of Cities and Towns to Furnish Sewage Services in Addition to Water to Industries and to Persons Without City Limits; Rates; Penalty for Violations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-1001, R.C.M., 1947, is amended to read as follows:

Amending clause.

"11-1001. Authorization of cities and towns to furnish water and sewage service to industries and to persons without city limits—rates—penalty for violations.

(1) The city or town council of any city or town within the state of Montana, that owns and operates a municipal water system *and/or a municipal sewage system*, to furnish water *and/or sewage services* to the inhabitants of such city or town, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system *and sewage services from such sewage system*, to any person, factory or other industry, located within the corporate limits of such city or town, or to any person, factory or other industry located outside the corporate limits of such city or town, at reasonable rates filed by the city or town council and approved by the public service commission [provided that delivery of water *and delivery of sewage services* by any such city or town] to or for the use of any person, factory or other industry located outside the corporate limits of such city or town shall be made within, or at the boundary line of the corporate limits of such city or town, or from any existing water line *or sewer line* of such city or town located outside of the corporate limits of such city or town, except as hereinafter provided.

City or town operating water and/or sewage systems.

Authority to serve outside corporate limits.

Rates approved by public service commission.

Limitations.